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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 UNITED STATES OF AMERICA,  
12  
13 vs. Plaintiff,  
14 DORIAN SHAREEF FOWLER,  
15 Defendant.  
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CASE NO. 11cr3939-LAB-1 and  
11cr4522-LAB-1

**ORDER DENYING MOTION TO  
RECUSE**

17 Defendant Dorian Shareef Fowler has filed a motion for disqualification or recusal (the  
18 "Motion"). Recusal of federal judges is governed by 28 U.S.C. §§ 144 and 455. Under  
19 § 144, a party must show "personal bias or prejudice either against him or in favor of any  
20 adverse party . . . ." Under § 455(b), a judge must disqualify himself if any of certain specific  
21 conditions are met. "Under both statutes, recusal is appropriate where a reasonable person  
22 with knowledge of all the facts would conclude that the judge's impartiality might reasonably  
23 be questioned." *Yagman v. Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993) (internal  
24 quotation marks and citation omitted). The Ninth Circuit has explained that judges should  
25 only recuse when there is good reason for doing so: "[A] judge has as strong a duty to sit  
26 when there is no legitimate reason to recuse as he does to recuse when the law and facts  
27 require." *Clemens v. U.S. Dist. Court for Cent. Dist. of California*, 428 F.3d 1175, 1179 (9th  
28 Cir. 2005) (citation and internal quotation marks omitted).

1 Fowler argues recusal is required because of the undersigned judge's lack of  
2 impartiality, "Predisposition to the Case," bias and prejudice. The only evidence Fowler cites  
3 is the Court's rulings on various issues.

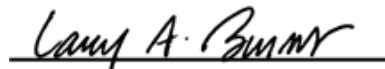
4 Adverse rulings, even incorrect rulings, do not reasonably show bias or require  
5 recusal. *Liteky v. United States*, 510 U.S. 540, 555 (1994) (explaining that "judicial rulings  
6 alone almost never constitute a valid basis for a bias or partiality motion"); *Taylor v. Regents*  
7 *of Univ. of California*, 993 F.2d 710, 712–13 (9th Cir. 1993); *United States v. Gallagher*, 576  
8 F.2d 1028, 1039 (3d Cir. 1978) ("incorrect rulings do not prove that a judge is biased or  
9 prejudiced"). Fowler's own belief that the Court is biased against him does not make recusal  
10 proper.

11 Finally, Fowler filed this motion in two different cases. Case 11cr3939 was dismissed  
12 in 2011 and that dismissal is final. As to that case, the motion is moot.

13 For these reasons, Fowler's motion for recusal or disqualification is **DENIED**.

14 **IT IS SO ORDERED.**

15 DATED: March 14, 2017

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17 **HONORABLE LARRY ALAN BURNS**  
18 United States District Judge  
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